



GIBBONS FELLOWSHIP IN  
PUBLIC INTEREST & CONSTITUTIONAL LAW

JOHN J. GIBBONS  
SENIOR PARTNER

LAWRENCE S. LUSTBERG  
DIRECTOR

JENNIFER B. CONDON  
EILEEN M. CONNOR

Gibbons P.C.  
One Gateway Center  
Newark, NJ 07102-5310  
Phone: 973.596.4500

October 23, 2009

Honorable Michael M. Mihm  
United States District Judge  
204 United States Courthouse  
100 N.E. Monroe Street  
Peoria, IL 61602

Re: *United States v. Al-Marri*,  
Case No. 09-10030-001

Dear Judge Mihm,

As Your Honor is aware, on October 20, 2009, defendant Ali Saleh Kahlah al-Marri filed his Sentencing Memorandum in the above-captioned case, as well as 79 Exhibits containing materials relevant to Defendant's arguments with respect to the application of the Sentencing Guidelines, and Mr. al-Marri's motions for a downward departure and a variance. Since filing that submission, additional evidence has become available that, the defense respectfully submits, is supportive of Mr. al-Marri's sentencing arguments. Accordingly, Defendant respectfully requests that the Court accept these materials, which were not received in time to file with his submission, as additional exhibits to Mr. al-Marri's Sentencing Memorandum.

Specifically, while retrieving Mr. al-Marri's personal effects from the Consolidated Naval Brig at Charleston, South Carolina on October 20, 2009, counsel for Mr. al-Marri obtained a letter from Commander John Pucciarelli expressing his condolences to Mr. al-Marri after he learned about the death of his father. Because this evidence is relevant to Defendant's sentencing argument regarding Mr. al-Marri's extraordinary transformation during confinement, including the mutual respect that developed between him and his custodians — which bears on several of the § 3553(a) factors, including the history and characteristics of the defendant, *see* Def.'s Sent. Memo. 106-115 — Defendant respectfully requests that this letter be added to his submission as Exhibit 80.

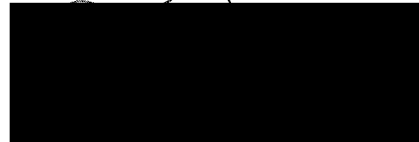
In addition, after the submission of Defendant's Sentencing Memorandum, counsel for Mr. al-Marri received several signed and translated letters from his family, friends, and professional colleagues in Qatar and Saudi Arabia, which describe his qualities as a father,

brother, husband, and colleague. Because this evidence is relevant to the history and characteristics of the defendant, the need for deterrence, and the protection of the public under § 3553(a)(1), *see* Def.'s Sent. Memo. 106-111, and provides a fuller picture of the man the Court will be sentencing, Defendant respectfully requests that these letters and translations be added to his submission as Exhibit 81. These letters were submitted by Abdul Rahman Bin Omair Al-Naemi (colleague from Qatar Islamic Bank); Khalid Bin Ahmed Bin Mohamed Al-Swaidi (colleague from Qatar Islamic Bank); Maha Al-Marri (Mr. al-Marri's wife); Abdul Hadi Salih Mohamed Al-Marri (Mr. al-Marri's elder brother); Hajer Ali al-Marri (Mr. al-Marri's daughter).

Finally, in advance of next week, and in fairness to the Court and the government, we also wanted to bring to the Court's attention an additional authority upon which the defense may rely in arguing for a fair and just sentence under § 3553(a)(6), Def.'s Sent. Memo at 111-115: *United States v. Hassoun, et al.*, Criminal Case No. 04-60001, Doc. No. 1343 (Jan. 22, 2008), and particularly the sentence imposed upon defendant Jose Padilla who, like Mr. al-Marri was detained at the Consolidated Naval Brig in Charleston. To that end, the Judgment in that case, which is currently on appeal, and the Transcript of Sentencing Proceeding Before the Honorable Marcia G. Cooke, United States District Judge, are also attached.

I apologize for any inconvenience resulting from this supplemental proceeding and thank Your Honor for your kind consideration of this matter.

Respectfully submitted,



Lawrence S. Lustberg

cc: David E. Risley, Esq.  
Joanna Baltes, Esq.  
Sharon Lever, Esq.  
Andrew Savage III, Esq.  
L. Lee Smith, Esq.